

KIDS IN DISASTERS WELL-BEING, SAFETY, AND HEALTH ACT OF 2007

NOVEMBER 5, 2007.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3495]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 3495) to establish a National Commis-
sion on Children and Disasters, a National Resource Center on
Children and Disasters, and for other purposes, having considered
the same, report favorably thereon with amendments and rec-
ommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kids in Disasters Well-being, Safety, and Health
Act of 2007”.

SEC. 2. DEFINITION.

In this Act, the terms “child” and “children” mean an individual or individuals,
respectively, who have not attained 18 years of age.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the “National Commission on
Children and Disasters” (referred to in this Act as the “Commission”).

SEC. 4. PURPOSES OF COMMISSION.

The purposes of the Commission are to—

- (1) conduct a comprehensive study to examine and assess the needs of chil-
dren as they relate to preparation for, response to, and recovery from all haz-
ards, including major disasters and emergencies;
- (2) build upon the investigations of other entities and avoid unnecessary du-
plication, by reviewing the findings, conclusions, and recommendations of other
commissions, Federal, State, and local governments, or nongovernmental enti-
ties, relating to the needs of children as they relate to preparation for, response
to, and recovery from all hazards, including major disasters and emergencies;
and

(3) submit a report to the President and Congress on specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies.

SEC. 5. COMPOSITION OF COMMISSION.

- (a) **MEMBERS.**—The Commission shall be composed of 10 members, of whom—
- (1) 1 member shall be appointed by the President;
 - (2) 1 member, who is of a different political party than that of the member appointed under paragraph (1), shall be appointed by the President;
 - (3) 2 members shall be appointed by the majority leader of the Senate;
 - (4) 2 members shall be appointed by the minority leader of the Senate;
 - (5) 2 members shall be appointed by the Speaker of the House of Representatives; and
 - (6) 2 members shall be appointed by the minority leader of the House of Representatives.
- (b) **CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.**—The Chairperson and Vice Chairperson shall be elected from among members of the Commission.
- (c) **GOVERNMENTAL APPOINTEES.**—An individual appointed to the Commission may not be an official or employee of the Federal Government.
- (d) **COMMISSION REPRESENTATION.**—The Commission shall include—
- (1) representatives from private nonprofit entities with demonstrated expertise in addressing the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies; and
 - (2) State emergency managers and local emergency managers.
- (e) **QUALIFICATIONS.**—Members appointed under subsection (a) shall include—
- (1) individuals involved with providing services to children, including health, education, housing, and other social services, including grant and entitlement programs;
 - (2) individuals with experience in emergency management, including coordination of resources and services among State and local governments, the Federal Government, and nongovernmental entities;
 - (3) individuals with philanthropic experience focused on the needs of children;
 - (4) individuals with experience in providing donated goods and services, including personnel services, to meet the needs of children and families as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies; and
 - (5) individuals who have conducted academic research into related issues.
- (f) **APPOINTMENTS.**—All members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.
- (g) **INITIAL MEETING.**—The Commission shall meet and begin the operations of the Commission not later than 120 days after the date of enactment of this Act.
- (h) **QUORUM AND VACANCY.**—
- (1) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
 - (2) **VACANCY.**—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

SEC. 6. DUTIES OF COMMISSION.

The Commission shall—

- (1) conduct a comprehensive study that examines and assesses the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies, including specific findings relating to—
 - (A) children’s physical and mental health;
 - (B) child care, including in private for-profit and nonprofit settings;
 - (C) child welfare;
 - (D) elementary and secondary education;
 - (E) sheltering, temporary housing, and affordable housing;
 - (F) transportation;
 - (G) entitlement and grant programs;
 - (H) juvenile justice;
 - (I) evacuation; and
 - (J) relevant activities in emergency management;
- (2) identify, review, and evaluate existing law relevant to the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies;
- (3) identify, review, and evaluate the lessons learned from past disasters and emergencies relative to addressing the needs of children; and

(4) submit a report to the President and Congress on the Commission's specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies, including specific recommendations on the need for planning and establishing a national resource center on children and disasters, coordination of resources and services, administrative actions, policies, regulations, financing, and legislative changes as the Commission considers appropriate.

SEC. 7. POWERS OF COMMISSION.

(a) **HEARINGS.**—The Commission may hold such hearings, meet and act at such times and places, and receive such evidence as may be necessary to carry out the functions of the Commission.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government such information, suggestions, estimates, and statistics as the Commission considers necessary to carry out this Act.

(2) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Commission, each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, provide the requested information to the Commission.

(3) **RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.**—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(c) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(1) **GENERAL SERVICES ADMINISTRATION.**—On request of the Chairperson of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support and other services necessary for the Commission to carry out its duties.

(2) **OTHER DEPARTMENTS AND AGENCIES.**—In addition to the assistance provided for under paragraph (1), departments and agencies of the United States may provide to the Commission such services as they may determine advisable and as authorized by law.

(d) **CONTRACTING.**—The Commission may enter into contracts to enable the Commission to discharge its duties under this Act.

(e) **DONATIONS.**—The Commission may accept, use, and dispose of donations of services or property.

(f) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

SEC. 8. STAFF OF COMMISSION.

(a) **IN GENERAL.**—The Chairperson of the Commission, in consultation with the Vice Chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, in accordance with the provisions of title 5, United States Code, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Chairperson of the Commission, the head of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government may detail, without reimbursement, any of its personnel to the Commission to assist it in carrying out its duties under this Act. Any detail of an employee shall be without interruption or loss of civil service status or privilege.

(c) **CONSULTANT SERVICES.**—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 9. TRAVEL EXPENSES.

Each member of the Commission shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 10. FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.

The provisions of the Federal Advisory Committee Act shall apply to the Commission, including the staff of the Commission.

SEC. 11. REPORTS OF COMMISSION; TERMINATION.

(a) **INTERIM REPORT.**—Not later than December 31, 2008, the Commission shall submit to the President and Congress an interim report containing specific findings, conclusions, and recommendations required under this Act as have been agreed to by a majority of Commission members.

(b) **FINAL REPORT.**—Not later than 24 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing specific findings, conclusions, and recommendations required under this Act as have been agreed to by a majority of Commission members.

(c) **TERMINATION.**—

(1) **IN GENERAL.**—The Commission, and all the authorities of this Act, shall terminate 180 days after the date on which the final report is submitted under subsection (b).

(2) **RECORDS.**—Not later than the date of termination of the Commission under paragraph (1), all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, \$2,000,000 for each of fiscal years 2008 and 2009.

Amend the title so as to read:

A bill to establish a National Commission on Children and Disasters, and for other purposes.

PURPOSE OF THE LEGISLATION

H.R. 3495, as amended, establishes a National Commission on Children and Disasters.

BACKGROUND AND NEED FOR LEGISLATION

Hurricane Katrina exposed many problems with our nation's ability to meet the needs of children during disasters. Approximately, one-fourth of the people who lived in areas damaged or flooded by Hurricane Katrina were under age 18. More than 400,000 children under the age of five lived in or were evacuated from counties and parishes that were declared disaster areas by the Federal Emergency Management Agency ("FEMA") in response to Hurricane Katrina. The vulnerability of this population presented many unique obstacles. For example, 5,192 children were reported missing or displaced to the National Center for Missing and Exploited Children as a result of the hurricanes, and it took 6½ months to reunite the last child separated from her family. In addition, 1,100 schools were closed immediately following Hurricane Katrina. Two years later, only 45 percent of New Orleans schools have reopened. These statistics reveal the importance of examining the special needs of children in preparation for, response to, and recovery from emergencies and disasters.

The purposes of the Commission are to: (1) conduct a comprehensive study to examine and assess the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies; (2) build upon and review the recommendations of other government and nongovernmental entities that work on issues relating to the needs of children in disasters; and (3) report to the President and Congress on its specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to,

and recovery from all hazards, including disasters and emergencies.

More specifically, the Commission is tasked with investigating the needs of children facing disasters in the areas of children's health, child welfare, elementary and secondary education, affordable housing, transportation, and relevant activities in emergency mitigation, preparedness, response, and recovery.

The Commission consists of 10 members: two members appointed by the President, two members appointed by the Speaker of the House, two members appointed by the House Minority Leader, two members appointed by the Senate Majority Leader, and two members appointed by the Senate Minority Leader. The bill provides that Commission members include representatives from private nonprofit entities and State emergency managers and local emergency managers.

The Commission is required to submit a final report to the President and Congress on its specific findings, conclusions, and recommendations.

The Committee also encourages FEMA to clarify its regulations concerning the eligibility of private nonprofit child care centers. The Committee notes that private nonprofit child care centers are eligible facilities under section 406, Repair, Restoration, and Replacement of Damaged Facilities, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172). Further, FEMA has recognized the eligibility of child care centers in FEMA Public Assistance Policy 9521.3 "Private Nonprofit Facility (PNP) Eligibility", issued on July 18, 2007. However, FEMA's regulations on private nonprofit facilities (44 CFR 206.221(e)) do not specifically list child care facilities as eligible. As a result, the Committee is concerned that this omission has caused confusion in the implementation of assistance to these facilities. The Committee strongly encourages FEMA to amend its regulations to clarify the eligibility of private nonprofit child care facilities. Within six months of the date of enactment of this Act, the Committee requires FEMA to submit a report to the Committee on the status of this rulemaking.

SUMMARY OF THE LEGISLATION

Section 1. Short title

Section 1 of the bill states that the short title of the Act is the "Kids in Disasters Well-being, Safety, and Health Act of 2007".

Section 2. Definition

Section 2 defines "child" and "children" as an individual or individuals, respectively, who have not attained 18 years of age.

Section 3. Establishment of Commission

Section 3 establishes a commission to be known as the "National Commission on Children in Disasters".

Section 4. Purposes of Commission

Section 4 provides the purposes of the Commission. The purpose are to: (1) conduct a comprehensive study to examine and assess the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emer-

gencies; (2) build upon the investigations of other entities and avoid unnecessary duplication by reviewing their findings, conclusions, and recommendations; and (3) submit a report to the President and Congress on the Commission's specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies.

Section 5. Composition of Commission

The Commission is to be comprised of 10 members: two appointed by the President (each must be of a separate political party), two appointed by the Speaker of the House, two appointed by the House Minority Leader, two appointed by the Senate Majority Leader, and two appointed by the Senate Minority Leader. The Chairperson and Vice Chairperson shall be elected from among members of the Commission.

The Commission shall include representatives from private non-profit entities with demonstrated expertise in addressing the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies. The Commission shall also include state emergency managers and local emergency managers. Section 5 also provides the qualifications for members appointed to the Commission.

All appointments to the Commission shall be made not later than 90 days after the date of enactment. The initial meeting of the Commission shall occur not later than 120 days after the date of enactment. A majority of members of the Commission shall constitute a quorum but a lesser number of members may hold hearings. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

Section 6. Duties of Commission

Section 6 provides the duties of the Commission. The Commission shall: (1) conduct a comprehensive study to examine and assess the needs of children as they relate to preparation for, response to, and recovery from all hazards, including major disasters and emergencies. The study will include specific findings relating to: children's physical and mental health; child care, including in private for-profit and nonprofit settings; child welfare; elementary and secondary education; sheltering, temporary housing, and affordable housing; transportation; entitlement and grant programs; juvenile justice; evacuation; and other relevant activities in emergency management; (2) identify, review, and evaluate existing laws relevant to the needs of children; (3) identify, review, and evaluate lessons learned from past disasters; and (4) submit a report to the President and Congress on its specific findings, conclusions, and recommendations to address the needs of children as they relate to preparation for, response to, and recovery from all hazards.

The report shall include specific recommendations regarding: (1) the need for planning and establishing a national resource center on children and disasters; (2) coordination of resources and services; and (3) administrative actions, policies, regulations, financing, and legislative changes as the Commission considers appropriate.

Section 7. Powers of Commission

Section 7 provides the powers of the Commission. The Commission is authorized to hold hearings, meet and act at such times and places, and receive such evidence as may be necessary to carry out the functions of the Commission. The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government such information, suggestions, estimates, and statistics as the Commission considers necessary. On request of the Chairperson of the Commission, any such entity shall, to the extent authorized by law, provide the requested information to the Commission. The General Services Administration shall provide requested services to the Commission on a reimbursable basis and other departments and agencies may provide such services to the Commission as they deem advisable and as authorized by law. The Commission is authorized to enter into contracts; accept, use, and dispose of donations of services or property; and use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

Section 8. Staff of Commission

Section 8 provides for staffing of the Commission. The Chairperson of the Commission, in consultation with the Vice Chairperson, and in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary. Any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality of the Federal Government may detail, without reimbursement, any of its personnel to the Commission. Any such detail shall be without interruption or loss of civil service status or privilege. The Commission is also authorized to procure the services of experts and consultants.

Section 9. Travel expenses

Section 9 provides for travel expenses for Commission members. Each member shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence.

Section 10. Federal Advisory Committee Act applicability

Section 10 provides that the Federal Advisory Committee Act shall apply to the Commission and its staff.

Section 11. Reports of Commission; Termination

Section 11 provides for reports of the Commission and its termination. The Commission shall provide an interim report to the President and Congress no later than December 31, 2008. Not later than 24 months after the date of enactment, the Commission shall submit to the President and Congress a final report containing specific findings, conclusions, and recommendations required under this Act as agreed to by a majority of Commission members. The Commission shall terminate 180 days after the date on which the final report is submitted. Not later than the date of termination, the Commission shall deliver all records and papers of the Commission to the Archivist of the United States.

Section 12. Authorization of appropriations

Section 12 authorizes appropriations of \$2 million for each of fiscal years 2008 and 2009 to carry out this Act.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 109th Congress, Congress enacted the “Post-Katrina Emergency Management Reform Act of 2006” (Title VI of P.L. 109–295). Section 689b of the Post-Katrina Act establishes the National Emergency Child Locator Center within the National Center for Missing and Exploited Children. Section 689c of the Post-Katrina Act establishes a National Emergency Family Registry and Locator System to help reunify families separated after an emergency or major disaster.

In the 110th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management has held several hearings at which witnesses discussed the effects of disasters on children, including the March 20, 2007 Subcommittee hearing on “Post-Katrina Temporary Housing: Dilemmas and Solutions” and the April 26, 2007 Subcommittee hearing on “FEMA’s Preparedness and Response to All Hazards”. In addition, the Committee on Transportation and Infrastructure reported and the House passed H.R. 3247, the “Hurricanes Katrina and Rita Recovery Facilitation Act”. H.R. 3247 provides additional flexibility in programs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, exclusively for the recovery from Hurricanes Katrina and Rita. Some of the assistance authorized in H.R. 3247 benefits children.

On September 7, 2007, Representative Corrine Brown introduced H.R. 3495, the “Kids in Disasters Well-being, Safety, and Health Act of 2007”. This bill has not been introduced in a previous Congress.

On October 30, 2007, the Subcommittee on Economic Development, Public Buildings, and Emergency Management met to consider H.R. 3495 and favorably recommended the bill to the Committee on Transportation and Infrastructure by voice vote with a quorum present.

On October 31, 2007, the Committee on Transportation and Infrastructure met in open session to consider H.R. 3495. During consideration of the bill, the Committee adopted an amendment in the nature of a substitute that made several changes to the bill. The amendment provided that the members of the Commission elect the Chairperson and Vice Chairperson. Further, the amendment made other changes to the Commission structure such as eliminating subpoena authority and pay for members of the Commission and requiring that the Commission include representatives of private nonprofit entities and State emergency managers and local emergency managers. Finally, the amendment struck Title II of the bill which authorized the Health and Human Services National Resource Center on Children and Disasters. The amendment provides that the Commission specifically consider the need for planning and establishing a National Resource Center on Children and Disasters and include a specific recommendation to Congress in the Commission’s final report. The Committee on Transportation and

Infrastructure ordered the bill, as amended, reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with the amendment offered to H.R. 3495 or with ordering H.R. 3495, as amended, reported. A motion to order H.R. 3495, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(I) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to create a National Commission on Children and Disasters.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 3495, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 2, 2007.

Hon. JAMES L. OBERSTAR,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3495, the Kids in Disasters Well-being, Safety, and Health Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

H.R. 3495—Kids in Disasters Well-being, Safety, and Health Act of 2007

H.R. 3495 would authorize the appropriation of \$4 million to establish the National Commission on Children and Disasters. The commission would be responsible for conducting a comprehensive study on the needs of children in preparing for, responding to, and recovering from major disasters and emergencies. Based on the historical spending patterns of similar-sized commissions, CBO estimates that implementing H.R. 3495 would cost \$1 million in 2008 and \$4 million over the 2008–2010 period, subject to appropriation of the specified amounts. Enacting the bill would not affect direct spending or revenues.

H.R. 3495 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The bill would authorize the appropriation of \$2 million for each of fiscal years 2008 and 2009 to establish the new commission, which would be composed of 10 members, including individuals in the private sector and State and local governments with experience in emergency management. No later than two years after the enactment of this legislation, the commission would report to the Congress on the needs of children as they relate to preparing for, responding to, and recovering from major disasters and emergencies. The commission would be disbanded 180 days after submitting its report.

The CBO staff contact for this estimate is Daniel Hoople. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 3495 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 3495, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 3495, as amended, makes no changes in existing law.

